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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Young et al.

Confirmation No.: 5866

Serial No.: 09/999,288

Art Unit: 1648

Filed: November 28, 2001

Examiner: Brown, Stacy S.

For: METHODS OF  
ADMINISTERING/DOSING  
ANTI-RSV ANTIBODIES FOR  
PROPHYLAXIS AND  
TREATMENT

Attorney Docket 10271-047  
No:

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement, mailed March 4, 2003, and in accordance with Rule 142 of the Rules of Practice, please consider the following remarks. Applicants submit herewith a Petition for Extension of Time (in duplicate) for responding to the Restriction Requirement, accompanied by a provision authorizing payment of the required fee.

It is estimated that no additional fee is required for filing this response. In the event that an additional fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

REMARKS

Claims 1-95 are pending in this application. The Examiner has required an election under 35 U.S.C. § 121 of one of the following groups:

- I. Claims 1-36, 38-55 and 73-75, drawn to an antibody that binds RSV, classified in class 424, subclass 159.1.
- II. Claim 37, drawn to a fusion protein comprising anti-RSV antibody and a heterologous polypeptide, classified in class 424, subclass 192.1.

- III. Claims 56-72, drawn to nucleotides, vectors and host cells, classified in class 536, subclass 23.72.
- IV. Claims 76-85, drawn to a method of preventing, treating or ameliorating RSV, classified in class 435, subclass 5.
- V. Claims 86-95, drawn to a method for detecting RSV, classified in class 435, subclass 7.1.

The Examiner contends that the inventions of Groups I and V are distinct from each other. Applicants hereby elect to prosecute the claims of Group I, claims 1-36, 38-55 and 73-75, drawn to an antibody that binds RSV, without prejudice to Applicants' right to pursue the non-elected subject matter in other applications.

Group I, claims 1-36, 38-55 and 73-75, are further subject to a restriction which requires Applicants to elect one antibody construct comprising a complete VH and VL domain, and three CDRs from each chain. Applicants hereby elect to prosecute the antibody construct comprising SEQ ID NO:48 for the VH domain, SEQ ID NO:10 for VH CDR1, SEQ ID NO: 19 for VH CDR2, SEQ ID NO:20 for VH CDR3, SEQ ID NO:11 for the VL domain, SEQ ID NO:39 for VL CDR1, SEQ ID NO:5 for VL CDR3 and SEQ ID NO:6 for VL CDR3, without prejudice to Applicants' right to pursue the non-elected subject matter in related applications.

Entry of the remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

Date: May 5, 2003

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